

VZCZCXRO8957

OO RUEHAG RUEHAST RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA  
RUEHLN RUEHLZ RUEHPOD RUEHROV RUEHSR RUEHVK RUEHYG  
DE RUEHC #7671/01 3210137  
ZNR UUUUU ZZH  
O R 170126Z NOV 07  
FM SECSTATE WASHDC  
TO RUEHLI/AMEMBASSY LISBON IMMEDIATE 4876  
RUEHLO/AMEMBASSY LONDON IMMEDIATE 3344  
RUEHFR/AMEMBASSY PARIS IMMEDIATE 5748  
RUEHGV/USMISSION GENEVA IMMEDIATE 9234  
RUEHBS/USEU BRUSSELS IMMEDIATE  
INFO DISARMAMENT CONFERENCE COLLECTIVE  
EUROPEAN POLITICAL COLLECTIVE  
RUEKJCS/SECDEF WASHINGTON DC  
RUEHUNV/USMISSION UNVIE VIENNA 2177  
RUCNDT/USMISSION USUN NEW YORK 9606

UNCLAS SECTION 01 OF 03 STATE 157671

SIPDIS

SENSITIVE

SIPDIS

E.O. 12958: N/A

E.O. 12958: N/A

TAGS: [CDG](#) [EC](#) [ESA](#) [EUN](#) [FR](#) [KACT](#) [KTIA](#) [MCAP](#) [PARM](#) [PO](#) [PREL](#) [TSPA](#)

UK

SUBJECT: U.S. RESPONSE TO EU DRAFT CODE OF CONDUCT FOR  
SPACE OBJECTS

REF: LISBON 002604

11. (U) This is an action message. See paragraphs 3 - 6.

12. (SBU) BACKGROUND: On October 9, the Portuguese MFA's Security and Disarmament Division, in its role as chair of the EU Working Group on Global Arms Control, provided Embassy Lisbon with a non-paper on a proposed EU "Code of Conduct for Space Objects" (REFTEL). Portugal requested a U.S. response in support of an EU-only experts meeting, scheduled for December 7. Portuguese officials indicated that they also are soliciting comments from Russia and China.

13. (SBU) FOR LISBON: Embassy Lisbon is requested to hand over the U.S. non-paper (contained in paragraph 5 below) to the Portuguese Presidency of the EU. Embassy Lisbon is also authorized to provide a line-in/line-out mark-up version of original EU non-paper (to be transmitted via e-mail). Embassy Lisbon should the request that the Portuguese Presidency of the EU treat both the non-paper and line-in/line-out mark-up as "Restreint UE." Embassy Lisbon also should indicate that the U.S. welcomes further exchanges on this topic with Portugal and future EU Presidencies.

14. (SBU) FOR LONDON AND PARIS: Embassies London and Paris are requested to hand over the U.S. non-paper contained in paragraph 7 to the UK FCO and the French MFA. Embassies London and Paris are also authorized to provide HMG and GoF with the line-in/line-out mark-up version of the original EU non-paper (to be transmitted via e-mail). Embassies should indicate that this is the U.S. response to the Portuguese Presidency's request, and that the U.S. welcomes opportunities for discussions on specific points at future bilateral space security dialogue discussions.

15. (SBU) FOR USEU: Following handover to Portugal, USEU is authorized to provide a courtesy copy of the non-paper and line-in/line-out mark-up to the European Commission.

16. (SBU) FOR GENEVA: Following handover to Portugal, USDEL to the Conference on Disarmament is authorized to provide courtesy copies of the non-paper and line-in/line-out mark-up to CD Delegations of EU Member States. Ambassador Rocca is also authorized to share copies of the non-paper and mark-up with non-EU members of the CD Western Group (WEOG).

United States Non-Paper  
November 16, 2007

The United States is pleased to respond to the Portuguese Presidency's request of October 9, 2007, for comments on the European Union's draft Code of Conduct for Space Objects.

The United States welcomes opportunities for substantive discussions on outer space Transparency and Confidence Building Measures (TCBMs) with all established and emerging spacefaring nations.

Such discussions can build upon the shared values expressed in both the U.S. National Space Policy of August 31, 2006, and the European Space Policy of May 22, 2007. These values include our shared and long-standing support for the principle of free access to, and the use of, space by all nations for peaceful purposes. They also include our common interest in using outer space both to maintain international peace and security and to promote international cooperation and understanding.

The United States opposes efforts which would link discussions on pragmatic TCBMs with efforts to negotiate agreements for preventing the so-called "weaponization of outer space" or efforts to establish new legal regimes or other restrictions that seek to prohibit or limit access to, or use of, outer space for peaceful purposes.

STATE 00157671 002 OF 003

The United States strongly supports efforts to preserve the space environment and to ensure safe and responsible space operations. In this regard, we believe that international cooperation should focus upon voluntary guidelines for safe space operations. Such guidelines can be applicable to all peaceful uses of space. The United States believes these "Best Practice Guidelines" should be developed first in expert-level discussions involving relevant government and private sector satellite operators. Where appropriate, specific guidelines developed in these expert-level discussions can be the subject of discussions with allies and like-minded states, and may be submitted to the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) for consideration by the broader community of established and emerging spacefaring nations. Such efforts can build upon this Committee's recent successful work on debris mitigation guidelines, an effort that was greatly facilitated by the close collaboration between the United States and European members of COPUOS.

Where appropriate, the United States also is willing to engage in substantive discussions on proposals for new TCBMs.

The United States welcomes opportunities for expanded trans-Atlantic dialogue with European experts on possible new TCBMs. The U.S. also will continue to engage in discussions with Russia and other spacefaring nations on complementary bilateral TCBMs that can promote cooperation and reduce uncertainty in the conduct of safe space operations.

In this regard, the United States views many of the ideas contained in the European Union draft as constructive contributions to international discussions on measures that protect the space environment and protect free access to, and use of, space for the benefit of all nations. We believe the EU draft could form the basis for an international consensus that reflects the shared views of the Euro-Atlantic community.

With an eye toward building such a consensus, the United States offers the attached comments, which propose the following changes:

- Throughout the draft, replace references to "Code of Conduct" with the term "Best Practice Guidelines" to emphasize the voluntary nature of the proposed measures.

- In the first ("Framework") section, modify wording to:
  - Drop linkages between consideration of TCBMs and efforts to prevent a so-called "weaponization" of outer space;
  - Focus on relevant areas of shared EU-U.S. agreement, including the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, instruments of the International Telecommunication Union, and public release of comprehensive space policies; and
  - Drop references to measures which suggest that TCBMs must be connected to space arms control agreements, including UN General Assembly resolution 61/58.

- In the second section, adapt wording to reflect shared EU and U.S. support for the "Basic Objectives" of:
  - Ensuring free access to, and use of, outer space by all nations for peaceful purposes;
  - Preserving freedom of action in space while protecting critical space capabilities;
  - Recognizing that space capabilities support vital security and foreign policy interests; and
  - Conducting space activities in accordance with international law, including the UN Charter.

- In the third section, create an "Operational" subsection that would:
  - Propose measures for the sharing of space environment data and for developing standardized data formats for information exchange;
  - Propose measures that recognize existing and emerging best practices for human spaceflight safety and collision avoidance;
  - Replace the measure restricting "any manoeuvre or action" with a proposed measure to provide notification of other concerned satellite operators in the event of a spacecraft malfunction;
  - Clarify language in proposed measures relating to the intentional creation of debris and mitigation of possibility

STATE 00157671 003 OF 003

SUBJECT: U.S. RESPONSE TO EU DRAFT CODE OF CONDUCT FOR SPACE OBJEC  
of accidents, collision or other forms of harmful interference;  
-- Clarify language in the proposed measure for minimizing the risk of harmful interference to other nations, space activities;  
-- Clarify language in measures for responding to, and resolving, harmful interference incidents; and  
-- Delete a proposed measure on "special caution areas," a technically vague concept that could unduly restrict fundamental rights of passage through, and operations in, space without interference.

- Also in the third section, create a "Transparency" subsection that:
  - Proposes a measure encouraging disclosure of basic details on high-level space policies;
  - Clarifies language in proposed measures relating to space activity notification and Registration Convention compliance;
  - Removes proposed measures on prior notification of satellite approaches, which could unduly restrict fundamental rights of passage through, and operations in, space without interference;
  - Removes a proposed measure regarding "space weapons," which is a term that remains indefinable; and
  - Removes a proposed measure regarding "dual-use character," which is also an indefinable concept.

END TEXT OF U.S. NON-PAPER

18. (U) Any reporting on this subject should be flagged for the Department (ISN/MDSP:Richard H. Buenneke) and Geneva (CD).  
RICE